Filed: 02/27/2023

NOT YET SCHEDULED FOR ORAL ARGUMENT

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

)	
SIERRA CLUB,)	
Petitioner,)	
)	No. 22-1217
V.)	
)	
U.S. DEPARTMENT OF ENERGY,)	
Respondent.)	
)	

UNOPPOSED MOTION BY RESPONDENT TO MODIFY BRIEFING SCHEDULE

Respondent U.S. Department of Energy respectfully requests an extension of time to file its answering brief in these consolidated petitions for review until April 20, 2023, with corresponding extensions for the remaining briefing. Undersigned counsel has consulted with counsel for all parties, and all parties consent to this motion.

If the Department's request were granted, the revised briefing schedule would be as follows:

Respondent's Brief	April 20, 2023
Intervenors for Respondent's Brief(s)	April 27, 2023
Petitioner's Reply Brief	May 18, 2023
Deferred Appendix	May 25, 2023
Final Briefs	June 8, 2023

Filed: 02/27/2023

This is the Department's first request for an extension of time to file its brief. Counsel for the Department is working diligently to prepare its brief, but additional time is necessary due to the need to review two separate records in the consolidated petitions, as well as the press of other matters to which the Department's lead counsel is assigned. Additional time is also required to complete the necessary review and approval processes, which the Department anticipates will require more time than usual in this case due to the overlap of the review period and local schools' spring breaks.

Thus, the Department respectfully requests that the Court grant an extension on the deadline for its brief until April 20, 2023 and adjust the remaining schedule as noted above.

Respectfully submitted,

/s/ Christopher Anderson

TODD KIM

Assistant Attorney General JUSTIN D. HEMINGER

CHRISTOPHER ANDERSON

Attorneys

Environment & Natural Resources Div.

U.S. Department of Justice

Post Office Box 7415

Washington, DC 20044

(202) 353-1834

christopher.anderson3@usdoj.gov

February 27, 2023

Filed: 02/27/2023

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 227 words, excluding the parts exempted under Federal Rule of Appellate Procedure 32(f).

This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6), as required by Federal Rule of Appellate Procedure 27(d)(1)(E), because it has been prepared in a proportionally spaced typeface (14-point Georgia font) using Microsoft Word.

/s/ Christopher Anderson CHRISTOPHER ANDERSON

Counsel for Respondent

Certificate of Service

I, Christopher Anderson, certify that on February 27, 2023, I electronically filed the foregoing motion using the Court's CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Christopher Anderson CHRISTOPHER ANDERSON

Filed: 02/27/2023

Counsel for Respondent